FINAL REPORT

NWT PROTECTED AREAS STRATEGY IMPLEMENTATION FORUM

February 15 and 16, 2000
Explorer Hotel, Yellowknife, Northwest Territories

Submitted to:
Protected Areas Strategy Secretariat
Yellowknife, NT

March 3, 2000

Prepared by:
Crosscurrent Associates, Hay River

With the assistance of
Prestige Planning, Yellowknife

100-05136/

TABLE OF CONTENTS

Executive Summary
- Background 1
- Outcomes 1
- Recommendations 2

Summary of the Proceedings: Day 1 – Tuesday, February 15

Background Presentations
- NWT Protected Areas Strategy Background 4
- Protected Areas Strategy: Steps in the Implementation Process 4
- Review of PAS Commitments 5

Status Reports
- Landscape Unit Representation 6
- Legislative Review 6
- Resource Assessments 7
- Transportation and Protected Areas 7
- Interim Protection 8
- Third Party Compensation 8

Community/Regional Initiatives
- Sahtu Heritage and Places Sites Joint Working Group Report 8
- Mills Lake Area 9
- Horn Plateau 9

Summary of the Proceedings: Day 2 – Wednesday, February 16

Community/Regional Initiatives Continued
- Scented Grass Hills / Grizzly Bear Mountain 10
- Protected Areas in the Gwich'in Settlement Area 10

Working Group Discussions
- Assessments 11
- Guiding the PAS Process 12
- Legislation 12

Appendix A: Participant List 13

EXECUTIVE SUMMARY

Background

The first annual NWT Protected Areas Strategy Implementation Forum was held February 15 to 16 in Yellowknife. The primary purpose of this forum was to "enhance communications among communities, regional organizations, land claim bodies, and government departments involved in identifying and establishing protected areas". The four objectives of the forum were to:

1. Report on the status of the work undertaken as identified in the PAS action plan;
2. Review and discuss current community initiatives;
3. Identify and address outstanding issues; and
4. Prepare a work plan for the upcoming year.

Approximately 70 delegates attended the forum over the two days. All regions of the Northwest Territories were represented. The forum consisted of formal presentations followed by discussion periods (on the first and second days) and break-out groups (on the afternoon of the second day). Considerable networking among delegates also took place during, between, and after the formal sessions.

Outcomes

The forum fully met the first two objectives noted above and partially met the final two objectives.

Objective 1 --Current information regarding the status of work undertaken was provided. This information included updates regarding:

- the identification of representative landscape units;
- a review of the legislation under which areas of land may be protected;
- a review of the mineral and hydrocarbon resource assessments required by the PAS, particularly under steps 3 and 5 of the strategy;
- proposed transportation corridors that will have to considered as a component of resource assessment;
- interim protection; and
- third-party compensation.

Objective 2 – A number of regional and community reports regarding PAS initiatives -- and land use planning activities that interact with the PAS -- were presented. These presentations included:

- formal public release of the *document Rakekee Gok'e Godi / Places We Take Care Of* by John Ts'eleie, Chair of the Sahtu Heritage Places and Sites Joint Working Group;

- a review of process leading to the identification and proposal of the Horn Plateau as a Protected Area by the Liidlii Koe First Nation;
- an update on the status of the Mills Lake initiative;
- a review of the process leading up to the formal proposal to protect the Scented Grass Hills and Grizzly Bear Mountain sites; and
- an overview of the current work of Gwich'in Land Use Planning Board and its relationship to the PAS.

Objective 3 – A number of outstanding issues were identified, but it was difficult to address these issues in detail because much of the background information required was not fully prepared or available. The main issues identified, in order of priority, were as follows.

- Delegates were generally concerned about the lack of information available (and the cost of gathering the new information) required to conduct thorough ecological and resource assessments associated with the PAS.
- Delegates were generally concerned that the implementation structure and process for the PAS were still not clear.
- Delegates generally agreed that monitoring of the PAS might benefit from an "implementation advisory group".
- Delegates generally agreed that the legislative mechanisms for establishing protected areas, including both interim and long-term protection, needed further research and clarification.

Objective 4 – The delegates did not establish a formal work plan and set of objectives for the upcoming year. However, based on the information and discussions generated at the workshop a set of recommendations for action has been prepared and is presented below.

Recommendations

Based on the information that was presented and the discussions that took place at the PAS Implementation Forum, Crosscurrent Associates recommends that the following actions be taken by the Protected Areas Strategy Secretariat and its associated departments and agencies.

1. The internal government linkages and triggers required to support and guide a community proposal through the PAS steps should be clarified and strengthened, particularly the linkages between RWED and the stakeholder departments within DIAND. (Who does what – when and how?)

2. The PAS Secretariat should be clearly established and promoted as the "entry point" for community initiatives under the PAS. Through this office, the PAS Secretariat can continue to build working relationships with communities and regional organizations that are potential or active proponents of protected areas.

3. Government departments and agencies should devote ongoing resources to the gathering, compilation, and sharing of data pertaining to the ecological, cultural, and resource assessment activities required by the Strategy. The underlying principle of this action should be "the more data and information available for protected areas proposals, the better". PAS Secretariat within its capacity can help coordinate this process.

4. Research that has already begun in the areas of legislation and third-party compensation should be completed and shared with all PAS stakeholders.

5. A PAS Implementation Advisory Committee should be established, similar to the model of the original PAS Advisory Committee. Broad terms of reference should first be established for this committee; then organizations that were represented on the original PAS Advisory Committee could be invited to become members. This group's main function would be to provide input and advice on the commitments (i.e. guidelines, documents, tools, and policies) outlined in the NWT Protected Areas Strategy's Action Plan.

6. Government Agencies should take a lead role in identifying potential ecological sites for protection, and assist those communities that wish to initiate proposals regarding these sites.

7. The PAS Secretariat should view the initial PAS initiatives as "test cases" and document the actual implementation processes required to proceed through the steps. This information can be used in future to advise communities and other stakeholders on the time and resources required to create protected area. The information will also make it easier to evaluate and improve implementation of the Strategy in the future.

8. Environmental non-government organizations should be encouraged to continue providing advice and support to communities that are potential or active proponents of protected areas.

SUMMARY OF THE PROCEEDINGS
Day 1 – Tuesday, February 15

1. Background Presentations:

1.1 NWT Protected Areas Strategy Background
Presenter: Bill Carpenter, NWT Coordinator, World Wildlife Fund

The NWT Protected Areas Strategy (PAS) is a guide to promote and support the establishment of a system of protected areas throughout the Northwest Territories. The Strategy was formally approved by the Government of Canada (Department of Indian and Northern Affairs) and the Government of the Northwest Territories (Department of Resources, Wildlife, and Economic Development) in September of 1999. The Strategy is now in the implementation stage.

The goals of the PAS are:
- to protect special natural and cultural areas, and
- to protect core representative areas within each ecoregion of the NWT.

The fundamental principle that guided the development of the PAS is a balanced approach to establishing protected areas. This balanced approach -- along with the eight planning steps identified in the Strategy document -- will also guide the implementation process.

The PAS is designed to be community-based and community-driven. Also, precedence is always given to land claim agreements, Aboriginal inherent right, and Treaty rights.

1.2 Protected Areas Strategy: Steps in the Implementation Process
Presenter: Hal Mills, Consultant, GeoNorth Limited

The eight steps that an organization must follow in order to establish a protected area are:

1. Identify priority areas of interest
2. Prepare and review a protected area proposal at the regional level
3. Review and submit a proposal for protected area status for the candidate site
4. Consider and, where necessary, apply interim protection for the candidate area
5. Evaluate the candidate area
6. Seek formal establishment of a protected area
7. Approve and designate the protected area
8. Implement, monitor, and review the protected area.

The following observations were made with respect to these steps.

- General – The roles and responsibilities of government departments with respect to each of the steps need to be clarified.
- Step 2 – The unique circumstances of each community need to be considered.
- Step 3 – Communities must partner with an agency that can provide legislated protection – government departments and stakeholders must take an active role at this step.
- Step 4 – Proposals at this step may need some form of interim protection. Government must work closely with the community to identify the level of protection required. The final outcome of Step 4 would be a land withdrawal through DIAND.

During the discussion that followed this presentation, the following key points were made.

- In Step 2, government has a key role in providing balanced information to all stakeholders.
- In assessing existing information regarding candidate sites, some information is proprietary.
- Stakeholders, and not just government, must provide some of the funding to review PAS proposals.
- The Inuvialuit began establishing protected areas sixteen years ago in their settlement area – recognition should be given for their efforts and successes.
- More work needs to be done to identify the roles and responsibilities of all stakeholders during the implementation steps.

1.3 Review of PAS Commitments

Presenter: Robin Reilly, Director of Parks and Tourism, RWED

The initiatives outlined in Section 2 of the Protected Areas Strategy document were reviewed.

- Initiative 2.1a – Maintain a PAS Secretariat to encourage cooperation and monitor progress

  Result: A PAS Secretariat has been established and a full-time PAS Secretariat Coordinator has been hired.

- Initiative 2.1b – The Minister of RWED will approach Aboriginal leaders and appropriate stakeholders to determine a process for overseeing implementation of the PAS.

  Result: The Minister is seeking guidance from the Forum participants regarding the establishment of an implementation advisory group.

- Initiative 2.2a – Government will organize an annual forum to promote implementation of the Strategy.

  Result: This forum is the first annual implementation forum.

- Initiative 2.3a – The Secretariat will provide balanced information through a newsletter and web-site.
  Result: A December 1999, newsletter was published and the PAS web-site is active.

2. Status Reports:

2.1 Landscape Unit Representation

Presenters: Bas Oosenbrug, Protected Areas Biologist, RWED and Evelyn Gah, Protected Areas GIS Analyst, RWED

The PAS identifies areas representative of each ecoregion by dividing the ecoregion into smaller sections called landscape units. Landscape units are made up of similar soil and surface forms that are stable over time and are occupied by characteristic plant and animal communities. Landscape units are considered the building blocks of biological diversity. Protecting representative samples of these landscape units will protect land forms and their associated habitats, including the plants and animals linked to them.

Maps and charts were viewed showing the locations of the identified landscape units. A gap analysis assessment will identify where additional protected areas are required.

A CD-ROM has been prepared and distributed that demonstrates the use of Geographic Information Systems (GIS) to analyze ecological and mineral information for a portion of the Slave Geological Province and to describe the potential for protection in this area. This CD-ROM can be made available to forum participants who request one.

2.2 Legislative Review

Presenter: Andy Swiderski, Terriplan Consultants

The objective of this ongoing study is to review territorial conservation mechanisms and assess potential new mechanisms for protected area designations. The research is at a preliminary stage and requires the development of key discussion questions respecting "why" an area needs to be protected and what legislative "tool" is most appropriate for the level of protection required.

A number of discussion questions were presented in three categories: inherent values of the area; interests in the area; and risk assessment considerations. These questions provide a logical filtering process that can be used to identify and advance candidate sites during the first two steps of the PAS process. The benefits of this filtering process include managing the expectations of stakeholders and reducing effort, time, and cost in subsequent steps.

2.3 Resource Assessments

Presenters: Robin Reilly, RWED; Charlie Jefferson, Natural Resources Canada; and Hendrick Falk, RWED

Resource assessments are a critical component of the Protected Areas Strategy, particularly with respect to Steps 3 and 5 in the Strategy. The presentations provided an overview of:

- the general purpose of resource assessments;
- existing mineral and hydrocarbon data;
- methods of gathering data and information; and
- areas where data and information are lacking.

Much of the baseline data required to assess the resources of potential protected areas in the NWT has not been gathered.

During discussions after the presentation, the following key points were made.

- Much of the mapping that is presently available is dated and uses different formats – there is a need to collect and integrate existing maps and resource databases.
- There needs to be a distinction between resource assessments for minerals and hydrocarbons.
- There is a significant lack of mineral data available and the cost of thorough mineral assessments could be very large.
- Ecological assessments have to be given equal value and consideration as resource assessments.
- There needs to be clarification of the types and degree of resource assessments required under the PAS.

2.4 Transportation and Protected Areas

Presenter: Russell Neudorf, Senior Transportation Planner, GNWT Department of Transportation

The Department of Transportation's Highway Strategy initiative has studied four potential road projects:

- an all-weather road into the Slave Geological Province;
- continuation of the Mackenzie Valley Highway from Wrigley north to the Dempster Highway;
- construction of an all-weather highway from Inuvik to Tuktoyaktuk; and
- reconstruction of Highway 3 from Rae to Yellowknife (currently underway).

Consideration of the impact of these potential transportation corridors -- along with other transportation-related issues such as pipelines, power transmission lines, and marine shipping routes – must occur in the early stages of establishing protected areas.

2.5 Interim Protection
Presenter: Marie Adams, DIAND

A brief overview of the existing process leading to land withdrawal was presented; however, it was noted that DIAND is currently reviewing this process. The Mackenzie Valley Resource Management Act calls for environmental screening of new national parks.

2.6 Third Party Compensation
Presenter: Mary Claire Ward; Consultant; Watts, Griffis, and McOuat

The PAS Secretariat wishes to research and develop guidelines that would define the terms and conditions under which compensation would be provided to third party interests affected by the establishment of protected areas. The research is at a very early stage. Guidelines that are in place in provincial jurisdictions are being reviewed. Interviews with territorial stakeholders are being arranged in conjunction with the Forum. Two key issues that need to be addressed are the specific actions within the PAS steps that will trigger compensation and valuation of third party interests.

3. Community/Regional Initiatives:

3.1 Sahtu Heritage and Places Sites Joint Working Group Report
Presenter: John T'seleie, Chairman

The Joint Working Group was set up under chapter 26 the Sahtu Dene and Metis Comprehensive Land Claim Agreement. The Joint Working Group's task was to consider and make recommendations regarding the establishment of heritage places and sites. These recommendations were to be made to the appropriate Minister or government agency and the Sahtu Secretariat Incorporated.

As Chairman of the Joint Working Group, Mr. T'seleie announced that the final report of the Group had just been published and that his presentation at today's PAS Forum marked the official release of the document.

Six potential heritage sites were listed in the Sahtu Land Claim Agreement. Two of these – Scented Grass Hills and Grizzly Bear Mountain – have been formally proposed under the Protected Areas Strategy, and approximately thirty-four more potential sites have been identified in the Working Group's report.

A considerable amount of work still needs to be done to advance the remaining sites, so the Working Group has recommended the creation of a Sahtu Cultural Institute to carry on heritage and cultural work in the region.

During discussions following the presentation, a few key points were raised.

- The report will be submitted to the Sahtu Land Use Planning Management Board, which will take on some of the responsibility for implementing its recommendations.
- The Working Group recommended subsurface protection for a few of the sites, but resource assessments would be done first.
- The largest potential site identified in the report is approximately six thousand square miles.
- Heritage research has only been done at the Scented Grass Hills, Grizzly Bear Mountain, and Sir John Franklin sites.

Some of the potential sites are on Crown land, some are on Sahtu land, and some overlap both types of land.

The PAS Secretariat agreed to print additional copies of the report that will be provided to all the participants.

3.2 Mills Lake Area

Presenter: Bill Carpenter, NWT Coordinator, World Wildlife Fund

This site is still under review as a potential protected area. It has the potential to become a National Wildlife Area or a Territorial Wildlife Preserve. The Fort Providence Tri-Council is still considering whether it will advance the site for protection.

3.3 Horn Plateau

Presenter: Michael Cazon, Chairperson, Liidlii Kue First Nation's Denendeh Resources Committee; and Petr Cizek, Cizek Environmental Consulting

Mr. Cazon reviewed the process that lead to the identification and advancement of the Horn Plateau as a protected area. Mr. Cizek explained the mapping of the area that had been done to date.

The Liidlii Koe First Nation (LKFN) wants to maintain this area for traditional use only and does not support development in the area. Preliminary resource assessments done by the LKFN, based on existing information, indicate a low potential for mineral or hydrocarbon resources in the area. Protection under the Territorial Parks Act, including subsurface protection, is being considered. More consultation and research work is required before interim protection can be requested for the site.

During discussion of this presentation, the following points were raised.

- An accurate resource assessment of the area is difficult given the limited amount of data presently available.

- The Deh Cho Dene will continue to take care of the land according to Deh Cho laws. Young people must have a place where they can connect to the land based on the teachings and traditions of the elders.

SUMMARY OF THE PROCEEDINGS
Day 2 – Wednesday, February 16

Community/Regional Initiatives Continued

3.4 Scented Grass Hills / Grizzly Bear Mountain

Presenter: Raymond Taniton, Project Coordinator

Detailed information was presented regarding the process followed to have the Scented Grass Hills / Grizzly Bear Mountain site commemorated as a National Historic Site, an event that occurred in August 1999. Additional work is now underway to develop a Commemorative Integrity Statement and Conservation Plan for the area. Deline is still proposing that the site becomes a National Historic Park, a designation that would provide formal land use controls. Parks Canada would have to be the sponsoring agency for this protected area designation, but has not yet declared its intentions. Deline wants to have both surface and sub-surface rights protected.

During discussions, the following points were raised.

- The boundaries of both areas extend to the high water mark only.
- The site include both Crown and Sahtu Settlement land.
- According to the PAS steps, the site is at step 3 – "Review and submission of proposal for consideration as candidate protected area". If Parks Canada is willing to sponsor the site, the next step would be applying for interim protection.

3.5 Protected Areas in the Gwich'in Settlement Area

Presenters: Deena Clayton, Gwich'in Land Use Planning Board Coordinator; and Dave Jones, Gwich'in Tribal Council

The Land Use Planning Board has recently completed a Gwich'in Land Use Plan which has been presented to the Gwich'in Tribal Council for review and approval. Three priority areas have been identified for protection: the Rat River Watershed, the James Creek / Vittrekwa River area, and a section of the Mackenzie River. More work needs to be done in term of identifying other areas and conducting heritage resource and ecological inventories.

The Land Use Plan will protect some areas over the short term, but areas of outstanding cultural and natural heritage value should be considered for additional, long-term

protection. The land use planning process is quite different from the Protected Areas Strategy and is primarily guided by the Gwich'in Land Claim Agreement.

A Protected Areas Strategy in the Gwich'in Settlement Area will have to be a tripartite process involving the Gwich'in Tribal Council, the Federal Government, and the Government of the Northwest Territories.

During discussion, the following points were made.

- The Gwich'in Land Claim Agreement includes lands in the Yukon. Problems may arise where there is an overlap of Settlement (private) land, Crown land, and transboundary land areas.
- The Gwich'in Land Use Plan is for a five-year term and has provisions that can allow for mineral staking in protected areas. After the five-year term of the Land Use Plan is up, the plan will be reviewed.
- The term "protected area" in the Land Use Plan has a different meaning than in the Protected Areas Strategy.

4. Working Group Discussions:

4.1 Assessments

Questions were posed regarding the funding, criteria, and relative value attached to the cultural, ecological, and economic (resource) assessments required under the Protected Areas Strategy. A composite summary of the main points raised is presented below.

- Assessments should provide the information required to fully consider the cultural, ecological, and economic values of identified sites on a case-by-case basis. A process for community members and stakeholders to jointly weigh or rank the differing values attached to a site should be established early in the PAS steps. The goal of this process should be consensus building. The size of the candidate area must be considered when doing assessments. For example, in some situations, such as relatively small spiritual sites, agreements might be reached among stakeholders to waive or limit resource assessments.

- Funding for assessments should be shared, with government, particularly sponsoring agencies, playing a significant role. Communities must take primary responsibility for cultural assessments. Industry must also play an active role. The funds available for assessments must not all go to one or two projects.

- Decisions regarding interim protection can be made on the basis of "best available information at the time".

- The time line for interim protection can vary but should remain close to the three to five year range. However, delays in the PAS process, such as delays in assessments due to funding or other circumstances, must be taken into account.

4.2 Guiding the PAS Process

Questions were raised regarding the need for, and possible structure of, a PAS implementation group. A composite summary of the main points raised is presented below.

- The PAS Secretariat should continue to be the main information/process driver, with the PAS Coordinator providing a direct link to the communities. However, the linkages within the Secretariat -- between RWED, DIAND, and other government departments -- need to reviewed and clarified. The specific roles of the different departments with respect to the implementation steps also need to be clarified.

- A multi-stakeholder advisory committee would be useful if it were not too large and had primarily a monitoring role – ensuring that the PAS implementation process worked as smoothly as possible. The group would remain advisory (a wisdom bank), could be modelled after the original PAS advisory group, and would be cost shared between the territorial and federal governments.

4.3 Legislation

As a large group, delegates were asked whether existing legislation can meet the needs of those communities advancing sites for protection. The main points that were discussed in response to this question are presented below.

- The Inuvialuit, Gwich'in, and Sahtu Dene are generally comfortable using their own legislative tools (land claim agreements, co-management agreements, land use plans) as the primary tools to protect lands in their regions.

- Territorial legislation, particularly the Territorial Parks Act, provides the greatest flexibility at this time for protecting lands in the unsettled areas of the NWT. The Parks Act has a mandate for both wildlife and habitat. Although it has not happened in the past, there is nothing preventing the Territorial Government from requesting sub-surface as well as surface protection through its Parks legislation. There will need to be more real initiatives put forward to test the viability and flexibility of all existing legislation.

- The Canadian Wildlife Act also provides some options for protection of lands through the establishment of national widlife areas.

- The Deh Cho leadership is discussing the issue of interim protection with the Federal Government as a part of its political negotiations. The Deh Cho people will ultimately determine the future of the land in the region through their own political process. If Territorial legislation is the vehicle for land protection at this time, then it is viewed as interim protection, until a settlement with the Federal Government has been reached.

APPENDIX A: PARTICIPANT LIST

Marie Adams, DIAND
Chief Albert Moses, Pehdzeh Ki First Nation
Tom Andrews, Prince of Wales Museum
Deb Archibald, Lidlii Kue First Nation
John Bainbridge, Gwich'in Tribal Council
Diane Baldwin, RWED
Richard Binder, Inuvialuit Game Council
Bill Carpenter, World Wildlife Fund
Michael Cazon, Lidlii Kue First Nation
Doug Chiperzak, DFO
Tom Chowns, RWED
Deanna Clayton, Gwich'in Land Use Planning Board
Colleen English, DOT
Andrew Forbes, DIAND
Gerd Fricke, RWED
Deni Gaccione, RWED
Evelyn Gah, RWED
Mary Granskou, CPAWS
Kent Halvorson, DIAND
Gordon Hamre, Parks Canada
Kate Hearne, DIAND
Heidi Heder, Protected Areas Implementation Coordinator
Tim Heron, South Slave Metis Tribal Council
Charlie Jefferson, Natural Resources Canada
Dave Jones, Gwich'in Tribal Council
Paul Latour, Environment Canada
Johnny Lennie, Inuvialuit Game Council
Alfred Liske, Yellowknives Dene First Nation Land & Environment Com.
David Livingstone, DIAND
Ronald MacKay, Ft. Resolution Land & Environment Committee
Susan MacKenzie, Sahtu Land Use Planning Board
Shar Malloy, Canadian Association of Petroleum Producers
Hal Mills, Geo North Consulting
Giles Morrell, DIAND Northern Oil and Gas
Herb Norwegian, Deh Cho First Nation
Russell Neudorf, DOT
Bas Oosenberg, RWED
Heather Passmore, CPAWS
Miki Promislow, DIAND
Peter Redvers, Forum Coordinator
Robin Reilly, RWED
Carolyn Relf, DIAND
Donna Schreiner, DIAND Geologic Mapping
Bert Spek, DIAND
Andy Swiderski, Terriplan Consulting
Raymond Taniton, Project Coordinator, Scented Grass Hills
John T'Seleie, SHPSJWG
Isadore Tsetta, Yellowknives Dene First Nation Land & Environment Com.
Lesley Wakelyn, CPAWS

Phil Wright, DIAND
Eric Yaxley, RWED
Greg Yeoman, CPAWS